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10/787,283

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EXAMINER

COUGHLAN, PETER D

ART UNIT

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2129

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/787,283	Applicant(s) TEDESCO ET AL.	
	Examiner Peter Coughlan	Art Unit 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>'A'</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## Detailed Action

1. This office action is in response to an AMENDMENT entered March 20, 2007 for the patent application 10/787283 filed on February 26, 2004.
2. The First Office Action of December 14, 2006 is fully incorporated into this Non-Final Office Action by reference.

## ***Status of Claims***

3. Claims 1-26 are pending.

## ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-9, 11-13, 21, 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

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was filed, had possession of the claimed invention. All these claims use the term 'first user' which is not defined within the specification.

These claims have to be amended or withdrawn from consideration.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere within the specification are the choices or responses of 'human is present', 'no human is present' and 'uncertainty a human is present.'

This claim have to be amended or withdrawn from consideration.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims contain the word 'entity' and does not specify what the 'entity' is? As stated, 'entity' could be a person or a machine.

These claims have to be amended or withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 19-26 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Walker**) being anticipated by August et al., U.S. 6720990.

**Claim 1**

Walker anticipates receiving an image from an image capture device (**Walker**, C1:53 through C2:4; 'receiving an image' of applicant is equivalent to 'view remote locations' of Walker.), in which the image capture device generates an image of an area in which human activity is desired to be substantially nonexistent (**Sacchi**, abstract; 'Human activity is desired to be substantially nonexistent' of applicant is equivalent to 'unmanned railway environments' of Sacchi.); determining information related to the area (**Walker**, C1:28-36; 'Determining information' of applicant is equivalent to 'view customer behavior' of Walker.); receiving a request for a first user to monitor(**Walker**, C5:48-67; 'Request for a first user to monitor' of applicant is equivalent to 'user first

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request to monitor' of Walker.); receiving a user identifier(**Walker**, C5:48-67; 'User identifier' of applicant is equivalent to 'record of the user' of Walker.); verifying that the user identifier corresponds to the first user(**Walker**, C5:48-67; 'Verifying' of applicant is equivalent to 'log on the central server. '); providing the first user with the image (**Walker**, C1:53 through C2:4; 'providing an image' of applicant is equivalent to 'view remote locations' of Walker.); receiving a response to the image by the first user, in which the response comprises an indication that a human is present in the image (**Walker**, C1:16-36, C4:58 through C9:7; 'Human is present' of applicant is illustrated by the example of 'emergency such as a robbery' of Walker. 'Receiving a response ... by the first user' of applicant is equivalent to 'user interprets that signal to indicate an emergency' of Walker.); providing additional users with the image (**Walker**, C3:46-59 and C4:35-57; 'Additional users' of applicant is equivalent to 'user devices 300a-c' of Walker.); receiving responses to the image by the additional users (**Walker**, C4:35-57; 'Responses' of applicant is equivalent to 'responses' of Walker.); evaluating the received responses (**Walker**, C9:61 through C10:16; 'Evaluating the responses' of applicant is equivalent to 'evaluates the responses' of Walker.); determining, based on the information related to the area, an entity to notify(**Walker**, C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker.); and notifying the entity. (**Walker**, C8:38-62; Since the user does not know they could be one of many monitors and are under the impression they are the only one, this bypasses the 'bypasser inaction' syndrome.)

Claim 2

Walker anticipates receiving a unique identifier from the image capture device(Walker, C3:46-59; 'User devices 300a-c' are connected to a web-based service. Therefore each user device has to have its own unique IP address. Therefore, 'unique identifier' of applicant is equivalent to each unique IP address of user's devices.); accessing a record in a database using the unique identifier(Walker, C4:7-20; 'Accessing a record' of applicant is equivalent to accessing the server by using the IP address of the server.); and determining, from the record, contact information for the area. (Walker, C4:7-20; 'Determining from the record, contact information' of applicant is equivalent to 'registering' of Walker.)

Claim 3

Walker anticipates transmitting the image to an internet protocol address which is based on the first user.(Walker, C2:5-17; Images stored on a server which are part of a web based system have a IP address.)

Claim 4

Walker anticipates posting the image on a Web site. .(Walker, C2:5-17; Walker discloses a web based system, thus images stored in a server are 'posted' on a web site.)

Claim 5

Walker anticipates receiving a request for a first user to monitor (**Walker**, C5:48-67; 'Request for a first user to monitor' of applicant is equivalent to 'user first request to monitor' of Walker.); verifying the first user (**Walker**, C5:48-67; 'Verifying' of applicant is equivalent to 'log on the central server. '); providing the first user with an image of an area in which human activity is desired to be substantially nonexistent (**Walker**, C2:57-65, C1:53 through C2:4; Human activity to be 'nonexistent' of applicant is equivalent to 'properties are being monitored while they(owners) are away' of Walker. 'Image of an area' of applicant is disclosed by 'image based remote security systems' of Walker.); receiving a response to the image by the first user(**Walker**, C4:35-57; 'Responses' of applicant is equivalent to 'responses' of Walker.); and evaluating the received response. (**Walker**, C9:61 through C10:16; 'Evaluating the responses' of applicant is equivalent to 'evaluates the responses' of Walker.)

#### Claim 6

Walker anticipates receiving an identifier(**Walker**, C5:48-67;'User identifier' of applicant is equivalent to 'record of the user' of Walker.); and determining that the identifier identifies a prior registration. (**Walker**, C4:7-20; 'Identifier identifies a prior registration' of applicant is equivalent to 'after registering, users can simply present their user identifier to the central server.)

#### Claim 7



Walker anticipates determining an attentiveness of the first user. (**Walker**, abstract; 'determining an attentiveness' of applicant is equivalent to 'measuring user attentiveness' of Walker.)

Claim 8

Walker anticipates requesting that the first user respond to a false positive. (**Walker**, C4:35-57; Responding to a false positive of applicant is equivalent to 'test the guards attentiveness' of Walker.)

Claim 9

Walker anticipates providing the first user with a false positive image(**Walker**, C4:35-57; Providing false positive image of applicant is equivalent to 'transmitting test communication' of Walker.); receiving a response to the false positive image by the first user. (**Walker**, C4:35-57; 'Receiving a response' of applicant is equivalent to 'responds to test communication' of Walker.)

Claim 10

Walker anticipates determining whether the response to the false positive image indicates that a human is present in the image. (**Walker**, C1:16-36, C4:35 through C9:7; 'Human is present' of applicant is illustrated by the example of 'emergency such as a robbery' of Walker. 'False positive' of applicant is equivalent to 'test communications' of

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Walker. The 'determination' portion of the claim is if the user responds to the 'test communication.' This is illustrated by 'receiving responses' from the user, of Walker.)

Claim 11

Walker anticipates determining a reaction time of the first user. (**Walker**, C6:39-56; 'Reaction time' of applicant is equivalent to 'response time' of Walker.)

Claim 12

Walker anticipates selecting the first user from a plurality of users. (**Walker**, C5:48-67; 'Selecting the first user' of applicant is equivalent to 'user first request' of Walker.)

Claim 13

Walker anticipates selecting the first user from the plurality of users based on the image. (**Walker**, C4:7-20; Selecting a user based on the image of applicant means selecting a user based on their rating of attentiveness on testing. This is disclosed in Walker by requiring a minimum user rating.)

Claim 14

Walker anticipates providing at least one additional user with the image. (**Walker**, C4:35-57; 'One additional user' of applicant is equivalent to 'plurality of users' of Walker.)

Claim 15

Walker anticipates providing at least one additional user with the image is performed based on the response to the image. (**Walker**, C4:7-20, C4:35-57; Providing the additional user with an image of applicant is equivalent to 'monitored by a plurality of users' of Walker. 'Performance based' of applicant is equivalent to 'attentiveness' of Walker.)

Claim 16

Walker anticipates determining, based on the response to the image, a number (**Walker**, C4:35-57; 'A number' of applicant is equivalent to 'user's rating' of Walker.); selecting a plurality of additional user, in which the cardinality of the plurality is at least the number(**Walker**, C4:7-20; 'Additional users' with cardinality of applicant is equivalent to users with minimum rating of Walker.); and providing the plurality of additional users with the image. (**Walker**, C4:35-57; Providing additional users with the image of applicant is equivalent to 'monitored by a plurality of users' of Walker.)

Claim 17

Walker anticipates determining a response time in receiving the response to the image. (**Walker**, C6:39-56; 'Determining a response time' of applicant is equivalent to testing for a 'response time' of Walker.)

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Claim 19

Walker anticipates determining, based on the received response, whether to notify an entity. (**Walker**, C11:38-64; 'Whether to notify an entity' of applicant is equivalent to 'determined whether the reported emergency is legitimate' of Walker.)

Claim 20

Walker anticipates initiating a telephone call to a predetermined telephone number. (**Walker**, C11:38-64; Initiating a telephone call' of applicant is equivalent to 'communicates to the user a phone number' of Walker.)

Claim 21

Walker anticipates adjusting a rating of the first user based on the received response. (**Walker**, C11:38-64; 'Adjusting a rating' of applicant is equivalent to 'lowers the rating in the user database' of Walker.)

Claim 22

Walker anticipates compensating the first user. (**Walker**, C10:17-46; 'Compensating' of applicant is equivalent to 'pay' of Walker.)

Claim 22

Walker anticipates compensating the first user based on the received response.

(**Walker**, C10:17-46; 'Compensating' of applicant is equivalent to 'pay' of Walker.

'Received responses' of applicant is directly related to 'higher crime rates' of Walker.)

#### Claim 24

Walker anticipates a step for observing a plurality of images (**Walker**, C1:53 through C2:4; 'Observing a plurality of images' of applicant is equivalent to 'view remote locations' of Walker.) of a area in which human activity is desired to be substantially nonexistent (**Walker**, C2:57-65, C1:53 through C2:4; Human activity to be 'nonexistent' of applicant is equivalent to 'properties are being monitored while they(owners) are away' of Walker. 'Image of an area' of applicant is disclosed by 'image based remote security systems' of Walker.); a step for ascertaining whether the plurality of images reliably indicates the presence of a human in the area (**Walker**, C11: 38-64, C8:53 through C2:4; 'Plurality of images' of applicant is equivalent to 'video' of Walker. The 'step' of determining the presence of humans of applicant is performed by the 'central server' of Walker.); and a step for alerting an entity based on the step for ascertaining. (**Walker**, C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker. Since the user does not know they could be one of many monitors and are under the impression they are the only one, this bypasses the 'bypasser inaction' syndrome.)

#### Claim 25

Walker anticipates a step for assessing an area in which human activity is desired to be substantially nonexistent (**Walker**, C2:57-65, C1:53 through C2:4; Human activity to be 'nonexistent' of applicant is equivalent to 'properties are being monitored while they(owners) are away' of Walker. 'Image of an area' of applicant is disclosed by 'image based remote security systems' of Walker.); and a step for alerting an entity based on the step for assessing (**Walker**, C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker. Since the user does not know they could be one of many monitors and are under the impression they are the only one, this bypasses the 'bypasser inaction' syndrome.)

#### Claim 26

Walker anticipates means for receiving images (**Walker**, C1:53 through C2:4; 'receiving an image' of applicant is equivalent to 'view remote locations' of Walker.) of an area in which human activity is desired to be substantially nonexistent(**Walker**, C2:57-65, C1:53 through C2:4; Human activity to be 'nonexistent' of applicant is equivalent to 'properties are being monitored while they(owners) are away' of Walker. 'Image of an area' of applicant is disclosed by 'image based remote security systems' of Walker.) means for distributing the images for at least partial analysis (**Walker**, abstract; 'Means for distributing the images' of applicant is accomplished by the 'server' of Walker.); means for calculating an analysis of the images (**Walker**, C11:38-64; One example of 'calculating an analysis of the images' of applicant is 'threshold number or percentage or users have reported an emergency' of Walker.); and means for warning

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an entity based on the analysis. (**Walker**, C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker. Since the user does not know they could be one of many monitors and are under the impression they are the only one, this bypasses the 'bypasser inaction' syndrome.)

### ***Response to Arguments***

5. Applicant's arguments filed on March 20, 2007 for claims 1-26 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

A. 35 U.S.C. §112, first paragraph

Claims 1, 3-9, 11-13, and 21-22 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner states that because the term "first user" recited by claims 1, 3-9, 11-13, and 21-22 is not "defined within the specification", the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Office Action, pg. 2, bullet 2. Applicants traverse this ground for rejection as follows.

Applicants respectfully note that, according to some embodiments, the terms "user", "Guardian", and "neuron" may generally be considered equivalent and/or similar. See, for example, Applicants' specification at pg. 39, lines 14-23, where a "neuron" is described with respect to a "user device"; pg. 15, lines 13-15 and pg. 39, lines 19-22, where a "Guardian" is described as 'using' a "user device", and i.e., would be considered a "user"; and pg. 39, line 3, "Guardian or other user".

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Applicants further note that both "Guardians" and "neurons" are described throughout Applicants' specification as filed as existing in pluralities or otherwise in multiples, which necessarily includes at least a "first" one of each such entities. See, for example, Applicants' specification as filed, pgs. 5-6, where "first" and "second" layers of neurons are described, as well as a "plurality of neurons"; pg. 20, line 12 to pg. 21, line 17, where the terms "Guardians" (i.e., in the plural), "a number of Guardians", and "other Guardians" are used; pg. 23, line 28, "at least one Guardian"; and pg. 24, line 31.-32, "another Guardian" (i.e., a 'second' Guardian, which necessarily implies if not describes a 'first' Guardian).

At least because the above-cited sections of Applicants' specification as filed are believed to more than reasonably convey that Applicants' had possession of the claimed embodiments at the time the application was filed, and at least because the Examiner has failed to set forth any reasoning to the contrary (i.e., no prima facie case for lack of written description has been established), Applicants respectfully request that this §112, first paragraph ground for rejection of claims 1, 3-9, 11-13, and 21-22 be withdrawn.

Examiner's response:

The specification remains silent to the term 'first user.' The applicant's argument 'guardian' and 'neuron' makes no sense, due to the fact these terms are not within the claims. First Office Action applies.

7. In reference to the Applicant's argument:

35 U.S.C. §112, second paragraph — Claims 1. and 5

Claims 1 and 5 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Specifically, the Examiner states that the term "substantially", recited by claims 1 and 5, is a relative term that renders claims 1 and 5 indefinite. Office Action, pg. 3, first paragraph. Applicants traverse this ground for rejection as follows.

Applicants respectfully note that "[t]he fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box Co., v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984)." MPEP §2173.05(b); emphasis in



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original. As long as one of ordinary skill in the art would be reasonably appraised of the scope of the claimed embodiment, the relative claim term does not render the claim indefinite. MPEP §2173.05(b), generally; and See, with specific reference to the use of the term "substantially", MPEP §2173.05(b)(D).

In this case, Applicants believe that one of ordinary skill in the art would at least be reasonably appraised of the scope of the claimed embodiment based on (i) the usage of the relative term in the claimed embodiment (e.g., "an area in which human activity is desired to be substantially nonexistent"; emphasis added), (ii) the use of relative term in Applicants' specification as filed, and (iii) "in view of the prior art and the status of the art" (MPEP §2173.05(b)).

At least for these reasons, and at least because the Examiner has otherwise generally failed to establish a *prima facie* case for indefiniteness, Applicants respectfully request that this § 112, second paragraph ground for rejection of claims 1 and 5 be withdrawn.

Examiner's response:

The Examiner withdraws the rejection.

8. In reference to the Applicant's argument:

35 U.S.C. §112, second paragraph — Claims 1 and 19  
Claims 1 and 19 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the 'invention' Specifically, the Examiner states that a definition of the term "entity", recited by claims 1 and 19, is not provided, and that this term could refer to a person or a machine. Office Action, pg. 3, second paragraph.

Applicants respectfully note that there is no requirement under §1 12, second paragraph, that a claim must be "a self-contained explanation of every step. That is not the role of claims. The purpose of claims is not to explain the technology or how it works, but to state the legal boundaries of the patent grant." *S3 Inc. v. nVIDIA Corp.*, 259 F.3d 1364, 1369 (Fed. Cir. 2001) (dismissing the district court's objection "that the claims are not self-contained in that they do not explain that 'video display information is produced by the controller'").

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Applicants also respectfully note that the Examiner's ability to articulate clearly what the Examiner believes the scope of the claimed term to be (i.e., "'entity' could be a person or a machine"; Office Action, pg. 3, line 10), is the epitome of definiteness. That the Examiner might prefer a term that the Examiner deems more precise is not adequate grounds for rejection. See, MPEP §2173.02 ("Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire.").

At least for these reasons, Applicants respectfully request that this §112, second paragraph ground for rejection of claims 1 and 19 be withdrawn.

Examiner's response:

The term 'entity' is not the epitome of definiteness due to the fact it is a abstract classification which can have a plurality of definitions. First Office Action stands.

9. In reference to the Applicant's argument:

D. 35 U.S.C. §103(a) - Walker, Regazzoni,  
Claims 24-25 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Regazzoni. Applicants respectfully traverse this ground for rejection as follows.

Applicants respectfully note that the Walker reference is subject matter developed "by another person" that generally may qualify as prior art only under 35 U.S.C. § 102(e), and, at the time the present Application was filed, both Walker and the present Application were "owned by the same person or subject to an obligation of assignment to the same person." Thus, pursuant to the provisions of 35 U.S.C. § 103(c)(1), the Walker reference may not be used to sustain a § 103(a) rejection of the pending claims.

Accordingly, this § 103(a) ground for rejection of claims 24-25 is moot, and Applicants therefore respectfully request that this § 103(a) ground for rejection of claims 24-25 be withdrawn.

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E. 351 J.S.C. §1.03(a) - Walker, Regazzoni, Sacchi  
Claims 1-23 and 26 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Regazzoni, in further view of Sacchi. Applicants respectfully traverse this ground for rejection as follows.

Applicants respectfully note that the Walker reference is subject matter developed "by another person" that generally may qualify as prior art only under 35 U.S.C. § 1.02(e), and, at the time the present Application was filed, both Walker and the present Application were "owned by the same person or subject to an obligation of assignment to the same person." Thus, pursuant to the provisions of 35 U.S.C. §103(c)(1), the Walker reference may not be used to sustain a § 103(a) rejection of the pending claims.

Accordingly, this § 103(a) ground for rejection of claims 1-23 and 26 is moot, and Applicants therefore respectfully request that this § 103(a) ground for rejection of claims 1-23 and 26 be withdrawn.

Examiner's response:

This office action is now based on §102(e) rejection due to obviousness of the art. The Walker reference has a filing date over 4 years prior the application date of the current invention.

### ***Examination Considerations***

10. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ

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541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

11. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

12. Examiner's Opinion: Paragraphs 10 and 11 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

13. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure.

-U. S. Patent 6476858: Ramirez Diaz

-U. S. Patent 6271752: Vaio

-U. S. Patent 6166729: Acosta

-U. S. Patent 5909548: Klein

-U. S. Patent 5857190: Brown

-U. S. Patent 5794210: Goldhaber

-U. S. Patent 5786746: Lombardo

-U. S. Patent 5759101: Von Kohorn

-U. S. Patent 5412708: Katz

-U. S. Patent 5034807: Von Kohorn

-U. S. Patent 4622538: Whynacht

-U. S. Patent 4511886: Rodriquez

-A distributed surveillance system for detection of abandoned objects in  
unmanned railway environments: Sacchi

-Object recognition and tracking for remote video surveillance: Foresti

-Distributed architectures and logical-task decomposition in multimedia  
surveillance systems: Marcenaro

-Distributed surveillance and reconnaissance using multiple autonomous ATVs:  
CyberScout: Saptharishi

-An introduction to multisensor data fusion: Hall

-A real time system for video surveillance of unattended outdoor environments:  
Foresti

-Image authentication techniques for surveillance applications: Bartolini

-Real time video shot detection for scene surveillance applications: Stringa

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-Neural classification of high resolution remote sensing imagery for power transmission lines surveillance: Binaghi

-Real time posture and activity recognition: Ozer

-Networks for home: Dutta-Roy

-Intrusion detection: systems and models: Sherif

14. Claims 1-26 are rejected.

***Correspondence Information***

15. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3080. Any response to this office action should be mailed to:

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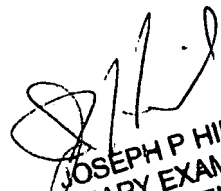
(571) 272-3150 (for formal communications intended for entry.)

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